



DEPARTMENT OF VETERANS AFFAIRS  
INSPECTOR GENERAL  
WASHINGTON DC 20420

April 21, 2011

The Honorable Arthur A. Elkins, Jr.,  
Inspector General  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Mail Code: 2410T  
Washington, D.C. 20460-0001

Dear Mr. Elkins,

In accordance with our Memorandum of Agreement (MOA) signed in October 2010, my staff, on behalf of the Environmental Protection Agency (EPA), Office of Inspector General (OIG), has completed an investigation of the allegations described in a memorandum written to you by EPA OIG [REDACTED] dated September [REDACTED] 2010. The official "Report of Internal Investigation" detailing the results of the inquiry is enclosed.

A provision of the MOA states that this report and its exhibits shall become the property of the EPA OIG and the investigative file, including all working papers, notes, and other supporting documentation and material shall remain the property of the Department of Veterans Affairs (VA), Office of Inspector General (OIG). However, should your staff need access to the investigative file, or require any additional assistance, please don't hesitate contacting [REDACTED] AIG for Investigations at [REDACTED]

Respectfully,

A handwritten signature in cursive script, reading "George J. Opfer", is positioned above the typed name.

George J. Opfer  
Inspector General  
Department of Veterans Affairs

Enclosure



DEPARTMENT OF VETERANS AFFAIRS  
Office of Inspector General  
Office of Investigations  
Washington DC 20420

REPORT OF INTERNAL INVESTIGATION

February 23, 2011  
File: 51X-2010-004  
Approved: [REDACTED]  
By: ASAC [REDACTED]  
Status: Completed  
Distribution: EPA OIG

Threat

SYNOPSIS:

On September 30, 2010, EPA OIG requested the Department of Veterans Affairs (VA) OIG, Criminal Investigations Division, to conduct an investigation of EPA [REDACTED] for allegedly making a threat [REDACTED]

This investigation did not substantiate the allegation. No victim was identified or came forward during this investigation.

On February 16, 2011, Assistant United States Attorney (AUSA) [REDACTED] declined prosecution of the alleged

threat (b) (5)  
(b) (5)

STANDARDS:

18 USC Section 111: Assaulting, Resisting, or Impeding Certain Officers or Employees. "Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and where such acts involve physical contact with the victim of the assault or the intent to commit another felony, be fined under the title or imprisoned not more than 8 years, or both."

**18 USC 844(e): Penalties for Unlawful Acts.** "Whoever, through the use of the mail, telephone, telegraph, or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of fire or an explosive shall be imprisoned for not more than 10 years or fined under this title, or both."

**Title 5 Code of Federal Regulations 735.203: Conduct Prejudicial to the Government.** "An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government."

**29 USC 654: Duties of Employers and Employees.** "Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; shall comply with occupational safety and health standards promulgated under this chapter." Civil and criminal penalties for violations of 29 USC 654 are listed under 29 USC 666, and vary from fines to imprisonment.

**Occupational Safety:** According to the National Institute for Occupational Safety and Health, workplace violence is defined as "violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty." It would appear the current allegation, if substantiated, would meet the definition of workplace violence.

As mandated in the *Occupational Safety and Health Act of 1970*, in addition to compliance with hazard-specific standards, all employers have a general duty to provide employees a workplace free from identified/recognized hazards likely to cause serious physical harm or death.

**DETAILS:**

On September 30, 2010, [REDACTED]  
EPA OIG [REDACTED] contacted  
Assistant Inspector General for Investigations (AIGI) [REDACTED] VA OIG, and  
requested assistance investigating an EPA OIG hotline complaint received  
against an EPA OIG employee. VA OIG was requested to conduct the  
investigation because the subject of the EPA OIG complaint is [REDACTED]  
[REDACTED] within the EPA OIG.

On October 4, 2010, AIGI [REDACTED] Special Agent [REDACTED]  
[REDACTED] and I met with the following EPA OIG employees: [REDACTED]

and AIG [REDACTED] During the meeting, VA OIG participants were presented with an EPA OIG memorandum dated September [REDACTED] 2010, subject: Office of Inspector General Hotline Complaint 2010-[REDACTED] (Attachment 1). The memorandum, from [REDACTED] to Inspector General Arthur Elkins, detailed two separate accounts of what appeared to be the same incident. (Agent Note: Though signed by AIG [REDACTED] the author of the EPA OIG complaint memorandum was later identified to be [REDACTED]) According to the September [REDACTED] 2010, memorandum, on September 20, 2010, EPA OIG hotline received an anonymous letter (Attachment 2). The complainant (who made reference of [REDACTED]) alleged that on the morning of [REDACTED] 2010, while [REDACTED] EPA office space, overheard a person [REDACTED] someone, [REDACTED] The complainant claimed to have written the statement down as it was [REDACTED] and viewed it as a threat toward [REDACTED] According to the complainant, the person who was [REDACTED] stated, "You [REDACTED]" The author stated, [REDACTED] threatening people. [REDACTED] (Agent Note: The anonymous letter did not provide a detailed time of the alleged threat other than it occurred in the morning.)

The second hotline occurrence detailed in the September [REDACTED] 2010, memorandum took place on [REDACTED] 2010, prior to the receipt of the anonymous letter described above. [REDACTED] was [REDACTED] by a person who requested anonymity. According to [REDACTED] the anonymous person related that he/she overheard [REDACTED] the previous week and used almost the exact wording used in the anonymous letter received September 20, 2010. The person believed [REDACTED] someone who worked for [REDACTED] (Agent Note: Hotline verbally received the initial threat allegation on [REDACTED] 2010, but did not complete a memorandum until September [REDACTED] 2010, approximately [REDACTED] weeks later, after an anonymous letter was received on September 20, 2010, detailing what appeared to be the same event.)

[REDACTED] and [REDACTED] explained during this initial meeting that [REDACTED] the focus of the VA OIG investigation should be criminal violations related to the alleged threat. At the conclusion of the meeting, [REDACTED] was identified as the EPA point of contact for coordinating with EPA employees and obtaining information/ records.

[REDACTED] who has been in the service of EPA OIG since [REDACTED] is currently

employed as [REDACTED]

On October 4, 2010, I requested the following information from [REDACTED] all landline and cellular telephone records for [REDACTED] covering the period of time between [REDACTED] [REDACTED] work email account activity between [REDACTED]

[REDACTED] employees [REDACTED] during the time period of the alleged [REDACTED]

On October 29, 2010, a completed Memorandum of Agreement (MOA) between EPA OIG and VA OIG, signed by EPA Inspector General Arthur Elkins on October 21, 2010, and VA Inspector General George Opfer on October 26, 2010, was returned to the EPA OIG (Attachment 3). The MOA granted VA OIG the authority to conduct an investigation for the EPA OIG.

According to information provided by [REDACTED] the following individuals worked in [REDACTED]

During the investigation, I received basic details on the physical security of [REDACTED] (b) (6), (b) (7)(C), (b) (7)(E)

[REDACTED] is no longer available for review.

On November 15, 2010, I sent [REDACTED] an email to determine if it would be possible for [REDACTED] to contact [REDACTED] September 21, 2010 memorandum, to determine if that person would provide additional information or be willing to speak with VA

OIG investigators.

On November 19, 2010, I received an email from [REDACTED] (Attachment 4). The email stated, "Please contact [REDACTED] It also listed [REDACTED] individuals who could affirm the allegation as well as [REDACTED]"

On November [REDACTED] 2010, I contacted [REDACTED] author of the original EPA OIG complaint memorandum dated September [REDACTED] 2010. The memorandum was sent through [REDACTED] to EPA Inspector General Arthur Elkins [REDACTED] conjunction with this investigation [REDACTED] also stated the anonymous letter received on September 20, 2010, was received in a plain envelope postmarked [REDACTED] The envelope had no other identifying information [REDACTED]

On November [REDACTED] 2010, Assistant Special Agent in Charge (ASAC) [REDACTED] and I interviewed EPA OIG [REDACTED] (Attachment 5). Prior to the interview, [REDACTED] investigation. [REDACTED]

[REDACTED] stated that [REDACTED] never reported [REDACTED] nor had [REDACTED] written a letter or contacted hotline or knew of anyone who has done so. (Agent Note: According to [REDACTED] the anonymous complainant on the [REDACTED] 2010 hotline contact [REDACTED]) [REDACTED]

[REDACTED]

[REDACTED] remembered hearing a [REDACTED] conversation [REDACTED]  
[REDACTED] the alleged threatening conversation took place at approximately 9:30 am and lasted 5 to 10 minutes. [REDACTED] It was a long, heated conversation. [REDACTED] notes reflected that [REDACTED] said, "You're [REDACTED] [REDACTED] could have said [REDACTED] but [REDACTED] was not sure. [REDACTED] speculated [REDACTED] was talking about [REDACTED] instead of [REDACTED] that the threat was made to [REDACTED]

[REDACTED]

[REDACTED] knowledge, no one filed a complaint with [REDACTED] being threatened by [REDACTED] reported that [REDACTED] talked to [REDACTED] about the [REDACTED] conversation shortly after it occurred. According to [REDACTED] around the time of the alleged [REDACTED] threat that included [REDACTED]

[REDACTED] assigned to [REDACTED]

would contact me.

[REDACTED]  
[REDACTED] as the issues appeared unrelated to the alleged [REDACTED] threat.

The landline telephone records (incoming and outgoing) for [REDACTED] work telephone extension [REDACTED] were obtained and reviewed (Attachment 6 and 7). The dates and times for the telephone calls were verified as accurate by [REDACTED]. All calls made on [REDACTED] 2010, were reviewed. At 8:30 am, an outgoing call was made to [REDACTED] telephone number [REDACTED] that lasted 12 seconds. A second call to the same number was made at 8:49 am, which lasted 6 seconds. (Agent Note: On January [REDACTED] 2011, I called telephone number [REDACTED].) An individual named [REDACTED] answered the telephone. Interviews and reviews of [REDACTED] email account indicate that [REDACTED]

[REDACTED] At 9:23 am, an incoming call was received from a blocked number. The call lasted 13 minutes and 24 seconds. According to [REDACTED] (b) (7)(E)

(b) (7)(E) Based on [REDACTED] the alleged threat took place at approximately 9:30 am and the conversation concluded a minute or so later. According to the telephone record, the call ended at 9:36 am, approximately 5 minutes after [REDACTED]. At 10:25 am, an incoming call was received from [REDACTED] telephone number [REDACTED]. The call lasted for 18 minutes and 12 seconds. Internet research indicates this number belongs to a cellular telephone. At 10:44 am, a 1 minute and 36 second telephone call was made to [REDACTED] telephone number [REDACTED]. Internet research associates telephone number [REDACTED] with the EPA Office of Inspector General. (Agent Note: On January [REDACTED] 2011, I called telephone number [REDACTED].) The call went unanswered and rolled over to the voice mail for [REDACTED]. Through interviews and email research, I determined that [REDACTED] [REDACTED] No additional calls were made or received from [REDACTED] desk telephone until after 1:00 pm of that day.

On January 5, 2011, the call records for [REDACTED] cellular phone, [REDACTED] were received from [REDACTED] (Attachment 8). [REDACTED] made/received 8 calls on [REDACTED]. A call was logged to/from [REDACTED] telephone number [REDACTED] at 7:09 am which lasted 9 minutes. The next logged call, to [REDACTED] telephone number [REDACTED] was made at 2:34 pm.

On November [REDACTED] 2010, ASAC [REDACTED] and I interviewed EPA OIG [REDACTED] (Attachment 9). [REDACTED]



[REDACTED] did not hear the alleged threat [REDACTED]

When I initially contacted [REDACTED] to schedule the interview, [REDACTED]

[REDACTED] (Attachments 10 and 11).

On December [REDACTED] 2010, ASAC [REDACTED] and I interviewed EPA OIG [REDACTED] (Attachment 12) [REDACTED] works in [REDACTED]

[REDACTED] saying, "I'm going to [REDACTED] could not elaborate on the statement as [REDACTED] did not know the context of the conversation [REDACTED]

[REDACTED] issues. [REDACTED] stated that [REDACTED] had a conversation with [REDACTED] in relation to [REDACTED] overhearing [REDACTED] talking about someone and [REDACTED] [REDACTED] was unable to remember exactly how [REDACTED] phrased what [REDACTED] said, but stated that it was about " [REDACTED] or something." According to [REDACTED]

[REDACTED] has not heard [REDACTED] threaten anyone, nor has [REDACTED] threatened [REDACTED] Furthermore, [REDACTED] had no firsthand knowledge of [REDACTED] participating in any illegal activities or committing any serious ethical or administrative violations [REDACTED]

[redacted] added that [redacted] believed [redacted] may have [redacted] (Agent Note: VA OIG investigators had not previously been informed that [redacted] After the interview [redacted] checked [redacted] schedule and verified that [redacted] was working [redacted] 2010.

[redacted] provided the employee seating arrangements on a diagram of the [redacted] The diagram showed [redacted]

(Agent Note: On [redacted] 2011, [redacted] employees who work [redacted] EPA [redacted] were interviewed via telephone. They included: [redacted]

[redacted] The alleged threat was read to them verbatim as received in the complaint. All individuals denied being the recipient of the alleged threat, personally hearing the alleged threat, or having additional information concerning the alleged threat. Those who were aware of the alleged threat, [redacted]

I obtained and reviewed [redacted] EPA email account activity, the majority of which covered the period of time between [redacted] 2010, and [redacted] 2010, using (b) (7)(E) [redacted] All emails on and within a one week span of [redacted] 2010, were reviewed. A string text search was also completed using all variations of the words: threat [redacted] and [redacted]. None of the emails reviewed appeared to be related to the alleged threat. However, there was one email [redacted] on September [redacted] 2010 (Attachment 13). The subject of the email was [redacted] The body of the email continued with (b) (5), (b) (6), (b) (7)(C) [redacted] ) (5), (b) (7)(E) [redacted]

On [redacted] 2010, I contacted [redacted] via telephone to determine the origin of [redacted] September [redacted] 2010, email to [redacted] [redacted] stated that [redacted] remembered the circumstances that led [redacted] send the email. According to (b) (7)(E), (b) (7)(C), (b) (6) [redacted]

(b) (7)(E), (b) (7)(C), (b) (6) [redacted]

[redacted] provided the

names [REDACTED]

(Agent [REDACTED])

Note: [REDACTED]

the alleged threat.) [REDACTED] said the [REDACTED]

[REDACTED] had no additional information concerning the questioned email.

On December [REDACTED] 2010, [REDACTED] attempted to contact me via voicemail and email stating [REDACTED] "some new substantial information (Attachment 14)." In response, I contacted [REDACTED] via telephone. [REDACTED] stated that [REDACTED] to see if anything criminal "stuck out." [REDACTED] commented that "not much did." [REDACTED] stated that by happenstance, while [REDACTED] was having coffee with a coworker [REDACTED] on the morning of [REDACTED] 2010, [REDACTED] name "came up." [REDACTED] described by [REDACTED] as [REDACTED] working for EPA for [REDACTED] years, allegedly [REDACTED] relayed that [REDACTED] According to [REDACTED]

[REDACTED] via facsimile (Attachment 15).

A subsequent email to [REDACTED] for additional information concerning the incident went unanswered.

On December [REDACTED] 2010, I contacted [REDACTED] via telephone. [REDACTED] was [REDACTED] I explained to [REDACTED] that the VA OIG was conducting an investigation on behalf of the EPA OIG concerning an alleged [REDACTED] threat made by [REDACTED] stated that the threat was not made to [REDACTED] but that [REDACTED] may have some information concerning who received the threat. [REDACTED] would call back later in the day with additional information. At approximately 4:58 pm, I received a call from [REDACTED] stated that [REDACTED] did not know who [REDACTED] allegedly threatened [REDACTED]

threat. [REDACTED] provided contact information for [REDACTED]

[REDACTED]

(Agent Note: On [REDACTED] 2011, I contacted [REDACTED] via telephone and read [REDACTED] the alleged threat. [REDACTED] stated that [REDACTED] was not the recipient.)

On [REDACTED] 2010, I contacted [REDACTED] via telephone. I explained to [REDACTED] that VA OIG was conducting an investigation on behalf of the EPA OIG concerning an alleged [REDACTED] threat made by [REDACTED]. The alleged threat was read to [REDACTED] verbatim as received in the complaint. [REDACTED] stated that [REDACTED] was not the recipient of the alleged [REDACTED] but

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] also described an incident that occurred in [REDACTED]. According to [REDACTED] wanted to [REDACTED]. [REDACTED]

[REDACTED] (Attachment 19). [REDACTED] stated that [REDACTED] and [REDACTED]. [REDACTED]

On January [REDACTED] 2011, I contacted [REDACTED] and requested assistance setting up an interview with [REDACTED]. [REDACTED] assisted with the request and the interview was scheduled for [REDACTED]. [REDACTED] verified that [REDACTED].

On [REDACTED] 2011, ASAC [REDACTED] and I interviewed [REDACTED] at VA OIG Headquarters (Attachment 20). Prior to the interview, [REDACTED] was informed of the nature of the investigation and advised of [REDACTED] Garrity rights in writing (Attachment 21). During the interview, [REDACTED] denied the allegation that [REDACTED] threatened someone [REDACTED] 2010. When questioned [REDACTED]

if the alleged threat sounded familiar, [REDACTED] stated, "Absolutely not" and later that "This never happened." [REDACTED] claimed [REDACTED] did not know anyone who had [REDACTED] stated that [REDACTED] only used [REDACTED] work cellular telephone and did not [REDACTED] while at work. When [REDACTED]

[REDACTED] stated [REDACTED] would check [REDACTED] schedule for [REDACTED] 2010, when [REDACTED] returned to the office to determine if [REDACTED] was working on that date. Near the conclusion of the interview, [REDACTED] stated, "This didn't happen [REDACTED]" [REDACTED] maintained a polite and respectful demeanor throughout the interview.

On [REDACTED] 2011, [REDACTED] contacted me via telephone. [REDACTED] stated that [REDACTED] was working on [REDACTED] 2010. [REDACTED] calendar notated that [REDACTED] had a meeting [REDACTED] with an individual named [REDACTED] concerning [REDACTED] [REDACTED] estimated that [REDACTED] would have left [REDACTED] office between 9:00 and 10:00 am to allow time for [REDACTED] prior to the appointment. (Agent Note: Telephone records from [REDACTED] telephone landline reflect that a call was made to [REDACTED] telephone number [REDACTED] at 10:44 am, with a duration of 1 minute and 36 seconds.)

Between January [REDACTED] 2011, I contacted [REDACTED]

[REDACTED] to determine if they were the recipient of the alleged [REDACTED] threat. The alleged threat was read to them verbatim as received in the complaint. All individuals stated that they did not receive the alleged threat. I was unable to contact [REDACTED]

On [REDACTED] 2011, I contacted [REDACTED] via telephone. [REDACTED] has been working for the EPA for [REDACTED]. [REDACTED] is currently [REDACTED] EPA [REDACTED]. The alleged threat was read to [REDACTED] verbatim as received in the complaint. [REDACTED] stated that the alleged threat did not sound familiar to [REDACTED]. [REDACTED] commented that [REDACTED] as individuals who may have received the alleged threat. [REDACTED] stated that [REDACTED]

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[REDACTED] aware  
of the allegation through [REDACTED] or possibly from conversations [REDACTED]  
[REDACTED] would be contacted by the VA OIG  
concerning a [REDACTED]

(Attachment 15).

On February [REDACTED] 2011, I contacted [REDACTED] via telephone. The  
alleged threat was read to [REDACTED] verbatim as received in the complaint.  
[REDACTED] stated that [REDACTED] was not the recipient of the alleged threat. [REDACTED]

On [REDACTED] 2011, I contacted [REDACTED] via  
telephone. The alleged threat was read to [REDACTED] verbatim as received in the  
complaint. [REDACTED] stated that [REDACTED] was not the recipient of the  
alleged threat. [REDACTED] relayed that the alleged threat was most likely made towards  
[REDACTED] reported that [REDACTED]  
[REDACTED] provided [REDACTED]  
[REDACTED] may have received the  
alleged threat. (Agent Note: [REDACTED]  
[REDACTED] previously contacted and denied receiving or having any

additional information on the alleged threat.)

On February [REDACTED] 2011, [REDACTED] contacted via telephone to determine if they were the recipient of the alleged [REDACTED] threat. The alleged threat was read to them verbatim as received in the complaint. All individuals stated that they did not receive the alleged threat.

On February 16, 2010, I contacted AUSA [REDACTED] and briefed [REDACTED] on the allegation and details of the investigation. AUSA [REDACTED] declined prosecution (b) (5) [REDACTED]

On February 16, 2010, this investigation was closed as unsubstantiated

**FINDINGS:**

[REDACTED] with years of EPA OIG service who is alleged to have threatened someone, [REDACTED] 2010 by stating "You [REDACTED] At the time [REDACTED]

This investigation did not substantiate the purported threatening statement. In fact, only [REDACTED] knowledge of the alleged incident. It [REDACTED]

[REDACTED] emphatically denied making the threat and no evidence was uncovered to support the allegation. Additionally, the [REDACTED] notified of the threat on [REDACTED] 2010, but did not complete a complaint memorandum until September [REDACTED] 2010, after an anonymous letter identifying what appeared to be the same threat was received. To this point, no person has come forward claiming that [REDACTED] threatened them [REDACTED] 2010.

Finally, as anticipated by [REDACTED]



[REDACTED]  
[REDACTED] this summary is provided to EPA  
OIG management officials [REDACTED]  
during the investigation and to take, if necessary, any action they deem  
appropriate.

**ATTACHMENTS:**

1. Memorandum, EPA OIG Hotline Complaint 2010-[REDACTED] dated  
September [REDACTED] 2010
2. Anonymous letter to EPA OIG Hotline, undated
3. Memorandum of Agreement
4. Email from EPA OIG [REDACTED] received  
November [REDACTED] 2010
5. Interview, EPA OIG [REDACTED] conducted November [REDACTED] 2010
6. Telephone records, office landline ext. [REDACTED] incoming, covering period of  
time between [REDACTED] 2010, to [REDACTED] 2010
7. Telephone records, office landline ext. [REDACTED] outgoing, covering period of  
time between [REDACTED] 2010, to [REDACTED] 2010
8. Cellular telephone records, [REDACTED] covering period of time between  
[REDACTED] 2010, and [REDACTED] 2010
9. Interview, EPA OIG [REDACTED] conducted November [REDACTED] 2010
10. Email from EPA OIG [REDACTED] dated  
November [REDACTED] 2010
11. Scan of email communication between [REDACTED] dated  
[REDACTED] 2010
12. Interview, EPA OIG [REDACTED] conducted December [REDACTED] 2010

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13. Email from EPA [REDACTED] dated  
September [REDACTED] 2010
14. Email from EPA OIG [REDACTED] dated  
December [REDACTED] 2010
15. [REDACTED] undated
16. EPA [REDACTED]
17. [REDACTED]
18. [REDACTED] Memorandum from [REDACTED] to  
[REDACTED]
19. Letter [REDACTED]
20. Interview, [REDACTED] conducted [REDACTED] 2011
21. Garrity Warnings, [REDACTED] signed [REDACTED] 2011